

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DANIEL R. CALDWELL and THOMAS A. KIEZ

Application No. 10/706,762

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 19, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

on October 19, 2005, the examiner has mailed an examiner's answer. In the Evidence Relied Upon section, page 2, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that a reference to Melcer (USPN 6,183,341) was applied to the statement of rejections in the Grounds of Rejection section, paragraph (9) of the examiner's

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answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the reference to Melcer mentioned in the statement of rejections. Appropriate correction is required.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) vacate the examiner's answer mailed October 19, 2005, and issue a revised Examiner's Answer having the missing reference to Melcer listed under the Evidence Relied Upon section, paragraph (8); and 2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Application No. 10/706,762

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CRF/tdl